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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,072	03/06/2002	Wayne H. Rothschild	47079-00125USPT	8523
70243	7590	08/19/2008		
NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER HOEL, MATTHEW D	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/092,072

**Applicant(s)**

ROTHSCHILD, WAYNE H.

**Examiner**

Matthew D. Hoel

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-46, 48-51, 62-64 and 66-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-46, 48-51, 62-64 and 66-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

4. Determining the scope and contents of the prior art.
5. Ascertaining the differences between the prior art and the claims at issue.
6. Resolving the level of ordinary skill in the pertinent art.
7. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 to 3, 6 to 15, 19, 21 to 35, 39 to 46, 48 to 51, 62 to 64, and 66 to 82 are rejected under 35 U.S.C. 103(a) as being obvious over Harkham (WIPO publication WO 01/91866 A1, PCT application PCT/US01/17285) in view of Cannon, et al. (U.S. patent 6,652,378 B2), Larose (U.S. pre-grant publication 2002/0087876 A1), and Paulsen (U.S. pre-grant publication 2002/0142846 A1).

9. As to Claims 1, 10, 31, and 66: '866 discloses all of the elements of Claim 1, but lacks specificity as to downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game, enhanced content, or a remote financial server. Harkham in '866 teaches a method of using a casino-

based, player-operated comprising (Abst.): accessing a web-based central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) from the gaming machine in a land-based casino (casinos 110 and 112, Fig. 1), the gaming machine being linked to the central server system by a reconfigurable, multi-site computer network (Internet, Page 4, Line 20); and conducting, via the gaming machine, a wagering game on the computer network by receiving a wager from the player (Page 3, Lines 27 to 28), generating a random event (cards dealt or wheel spun, Page 9, Line 18), and providing an award to the player for a winning outcome of the random event for a first wagering game (Page 19, Lines 1 to 10); wherein the wagering game includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22); and wherein the step of conducting the wagering game includes displaying the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). Regarding the newly claimed limitations, '866 displays randomly generated and dynamically generated audiovisual content representing an outcome of the wagering game to the player. In one embodiment, where some of the players are remote players, the remote players are represented by avatars in a virtual game room (Page 10, Lines 1 to 9). Alternatively, '866 displays camera images of the physical players at the gaming table and use a video phones to display images and audio information of the remote players (Page 9, Lines 12 to 21). '866 transmits dynamically generated audio content to the player (playing instructions transmitted in non-audio format to save bandwidth, audio instruction dynamically played as audio in response to these instructions; alternatively audio directly from remote

player played, Page 8, Line 30 to Page 9, Line 6). '866 transmits randomly selected and dynamically generated visual content to the player (card game embodiment, images of dealer and physical players along with cards being dealt, 9:12-21; images of remote players, 8:24-29; three-dimensional chatroom of avatars of real and physical players, 10:1-9). '866 teaches integrating casino gaming with non-casino interactive gaming at a central server system (Abst.; players can play by proxy at actual game tables 4:25-33, also first para. of Page 5; player can also play virtual slot machine at a slot machine server, Fig. 2, 2:10-15, virtual slot machines disclosed Page 14 and 15 but without audiovisual content). '866 establishes a communications link between the central server system and a player-operated gaming machine in a land-based casino (Figs. 1). '866 teaches offering a plurality of wagering games on the central server system (plurality of slot machines offered on central server system, Pages 14 & 15). '866 establishes via a reconfigurable computer network a communications link between the central server system and a player-operated computing device remote from any land-based casino (Internet connection, Fig. 2). '866 authorizes the computing device to access a second of the wagering games offered on the central server system (plural slot games of Pages 14 & 15, or alternately the live table game of Figs. 4, 7-9, Pages 8-13; authorization, Fig. 3, Pages 5 to 8). '866 generates the random events as outlined above. '378, however, teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27

specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). What '866 lacks regarding the new amendments to the claim is the audiovisual content for the server-based games, whereas the server-based slots of '866 were statistics based. This audiovisual content, however, is disclosed in Cannon, et al. ('378). '378 teaches players watching their friends play electronic wagering games on their respective machines, which each player watching the other games on respective windows on their own gaming machines (16:55-17:21). This is done by means of web servers which stream the audiovisual content of the electronic wagering games to the watching friends' respective gaming machines, acting as servers with server based wagering games (10:5-13, 14:44-64, 19:6-19). Audio content is also streamed by the players' conversing with one another (17:42-56). These server-based electronic wagering games with streamed audiovisual content applied to the statistics-only slot servers of '866 result in offering a plurality of wagering games on the central server system, the plurality of wagering games including audiovisual content and game software for generating a random event, the audiovisual content including computer-generated images and animation representing the random event, and conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system wherein the audiovisual content for the second of the wagering games is presented at the computing device. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error. '876, however, teaches a basic and an advanced version. '876 teaches at least one of the wagering games including a basic version and an enhanced version having upgraded audiovisual content relative to the basic version, and configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version as a function of whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely (110, Fig. 3; basic version being a game demo version, Para. 53; web-based interfaces, Page 2, Lines 10 to 11; upgraded audiovisual content being versions two and three graphics files, 305 and 306, Fig. 3; downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine, Fig. 2, Para.

84, the local gaming device is thus configured to execute the enhanced game locally). '876 teaches downloading software from a central server to a computing device and executing the software on the computing device (Abst., Figs. 2 and 3, Para. 33 and 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the executable download of '876 to the system of '866 and '378. The system of '876 can be used for distributing demo versions of game (Para. 53). In '866, client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15); this could be used in conjunction with the encryption of '876 (Para. 46 and 47). '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could or '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server. The enhanced graphics for the enhanced game of '876 would ideally be used in conjunction with the central slot statistics game of '866 described on Pages 14 and 15. Such enhanced graphics would be used to provide a slot machine-like user interface to the player to make the game play more realistic instead of a mere display of statistics and win/loss results. The advantage of this combination would be to reduce



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computing load on the central server by executing the game software on the client gaming device, while still maintaining the system's security. '846, however, teaches storing financial account information in a player account database that is remote from the gaming machine and from the computing device, wherein the player account database is communicatively accessible by the gaming machine and by the computing device ('846, 101 of Fig. 2, Paras. 33 & 39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the remote financial database of '846 to the combination of '866, '378, and '876. '866 from 7:22 to 8:15 has some suggestion of this by allowing the player to access a secure game over a network using a smart card via a smart card reader at the local gaming device. A financial database is also suggested in 7:1-9. The advantage of this modification would be to have secure storage of the player's financial account information which would prevent identity theft or impersonation of players via stolen accounts and to ensure that winnings or losses owed to or by the player are securely credited.

10. As to Claim 2: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

11. As to Claim 3: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

12. As to Claim 6: '866 downloads the audiovisual content from the central server to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33). '866 conducts the wagering game by executing the game software at the central server system (Page 15, Lines 7 to 23). '876 teaches a basic game (110, Fig. 3; basic version being a game demo version, Para. 53). '378 teaches a primary game being the

player's own and a secondary game being a cooperative mode playing a game with a friend on another gaming device (16:55-17:10, Fig. 4F).

13. As to Claim 7: '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). It would be obvious to one of ordinary skill in the art to download and execute a significant portion of the game software at the wagering machine. The client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15), a process controlled by software. The player can also interact with other players by video, audio, and chat (Page 21, Lines 9 to 15), also controlled by software. '866 also is able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The advantage of this would be to reduce computing load on the central server by doing "housekeeping" functions like security verification at the client. '876 teaches an enhanced version being executed on the local machine, the local game being the first game (upgraded audiovisual content being versions two and three graphics files, 305 and 306, Fig. 3; downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine,

Fig. 2, Para. 84, the local gaming device is thus configured to execute the enhanced game locally).

14. As to Claim 8: The step of accessing the central server system includes accessing a web site operated by the central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

15. As to Claim 9: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

16. As to Claim 11: '866 receives a wager from the player (Page 3, Lines 27 to 28), generates a random event (cards dealt or wheel spun, Page 9, Line 18), and provides an award to the player for a winning outcome of the random event (Page 30, Lines 30 to 31).

17. As to Claim 12: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

18. As to Claim 13: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

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19. As to Claim 14: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

20. As to Claim 15: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

21. As to Claim 19: '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). Larose in '876 teaches downloading software from a central server to a computing device and executing the software on the computing device (Abst., Figs. 2 and 3, Para. 33 and 34).

22. As to Claim 21: The gaming system of '866 can execute the audiovisual content at the gaming device (Page 10, Lines 11 to 12) and the game software at the central server system (Page 15, Lines 7 to 23).

23. As to Claim 22: '866 offers a plurality of wagering games on a central server system by posting the wagering games on a web site operated by the central server system (Page 4, Lines 12 to 26; Page 7, Lines 23 to 34).

24. As to Claim 23: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a

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hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

25. As to Claim 24: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

26. As to Claims 25 and 26: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network.

27. As to Claim 27: The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3).

28. As to Claims 28 and 29: The system of '876 downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine (Fig. 2, Para. 84).

29. As to Claim 30: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted,

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downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

30. As to Claim 32: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

31. As to Claim 33: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

32. As to Claim 34: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

33. As to Claim 35: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

34. As to Claim 39: One of the gaming machines of '876 receives the audiovisual content and game software from the central server system, stores the audio visual content and game software locally, and executes the game software locally (Figs. 2 and 3, Para. 84).

35. As to Claim 40: In '866, the central server system can execute audiovisual content (real-time video streaming without interpretation by client device, Page 13, Lines 7 to 10), and game software (Page 15, Lines 7 to 23). The computing device can be used to play the same or another of the wagering games (each player can pick his or her own game, Page 5, Lines 15 to 16).

36. As to Claim 41: In '866 the central server system executes the game software (Page 15, Lines 7 to 23). In '876, the computing device receives the audiovisual content from the central server system and stores the audiovisual content locally (Figs. 2 and 3, Para. 84).

37. As to Claim 42: The central server system of '866 operates a web site (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) posting a plurality of wagering games (Page 5, Lines 14 to 16).

38. As to Claim 43: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating a random event (virtual slot machine, Page 15, Lines 20 to 22). At least one of the gaming machines is free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

39. As to Claim 44: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

40. As to Claims 45 and 46: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network using a computing device or a gaming machine.

41. As to Claims 48 and 49: The computing device of '876 receives the upgraded audiovisual content from the central server system and stores it locally (Fig. 3, Para. 53 to 55, Para. 84). '866 teaches a gaming machine, which is a computing device (Abst.).

42. As to Claims 50 and 67 to 71: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted, downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

43. As to Claim 51: The plurality of games of '866 are associated with a common entity, as they are all stored on a central server system operated by the same casino (Page 5, Lines 14 to 16; Fig. 1).

44. As to Claim 62: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicates over the computer network using TCP/IP.

45. As to Claim 63: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicates over the computer network using TCP/IP.



46. As to Claim 64: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 communicates over the computer network using TCP/IP.

47. As to Claim 72: The playing of a third game on a second gaming machine is a duplication of structure as the first and second wagering games were addressed above in the rejection of Claim 1 (MPEP 2144.04 (IV)(B). Duplication of Parts In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies in the joint, and a plurality of "ribs" projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.).).

48. As to Claim 73: The combination of '866, '378, '876, and '846 renders obvious configuring the central server system to conduct the basic version responsive to the game software being executed remotely at the central server system ('866 teaches the game being executed remotely at the central server system, slot statistics game, 14:1-15:23, this game without the enhanced content introduced by '876 as in the rejection of Claim 1 is a basic game).

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49. As to Claim 74: The combination of '866, '378, '876, and '846 renders obvious the configuring includes configuring the gaming machine or the computing device to conduct the enhanced version responsive to the game software being executed locally ('378 outlines a player playing a basic game on his or her own machine and a secondary game being played with a friend over the network with a secondary window on the player's own machine, Fig. 4F, 16:55-17:10; '876 outlines enhanced content being downloaded to the local machine downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine, Fig. 2, Para. 84, the local gaming device is thus configured to execute the enhanced game locally, so the enhanced audiovisual content can be applied to both the first and second wagering games).

50. As to Claim 75: The combination of '866, '378, '876, and '846 renders obvious the player account database including a plurality of records having multiple fields of information related to an identification of each player ('846, Para. 12).

51. As to Claim 76: The combination of '866, '378, '876, and '846 renders obvious the fields including at least one of a player's name, date of birth, social security number, address, a telephone number, or credit card information ('846, Para. 12, name, among other identifiers).

52. As to Claim 77: The combination of '866, '378, '876, and '846 renders obvious the fields further including at least one of player tracking information, player preferences, or server preferences, the method further comprising configuring the

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central server system to configure menus of the first wagering game based on the at least one of the player tracking information, the player preferences, or the server preferences ('846, Para. 13, player-preferred games; configured menus, Paras. 33-48 generally, esp. Paras. 33 & 34, Figs. 1A-B, interfaces described as "menus," Para. 37).

53. As to Claim 78: The combination of '866, '378, '876, and '846 renders obvious computing a bonus to be awarded to a player of the first wagering game or the second wagering game based upon the player preferences associated with the player ('846, preferred bonus games, Abst.).

54. As to Claim 79: The combination of '866, '378, '876, and '846 renders obvious including a basic version and an enhanced version having upgraded audiovisual content relative to the basic version, the method further comprising configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version based on whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely ('378 outlines a player playing a basic game on his or her own machine and a secondary game being played with a friend over the network with a secondary window on the player's own machine, Fig. 4F, 16:55-17:10; '876 outlines enhanced content being downloaded to the local machine downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine, Fig. 2, Para. 84, the local gaming device is thus configured to execute

the enhanced game locally, so the enhanced audiovisual content can be applied to both the first and second wagering games).

55. As to Claim 80: The combination of '866, '378, '876, and '846 renders obvious receiving a wager from a player to play the first of the wagering games or the second of the wagering games;

deducting an amount corresponding to the wager from a monetary source based on the financial account information associated with the player ('846, various wagering denominations, Para. 41; game play and account tracked, Para. 53).

56. As to Claim 81: The combination of '866, '378, '876, and '846 renders obvious the controller being further programmed to retrieve financial account information stored in a player account database that is remote from the gaming machine and from the computing device, wherein the player account database is communicatively accessible by the gaming machine and by the computing device ('846, 101 of Fig. 2, Paras. 33 & 39).

57. As to Claim 82: The combination of '866, '378, '876, and '846 renders obvious at least one of the wagering games including a basic version and an enhanced version having upgraded audiovisual content relative to the basic version, the method further comprising configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version based on whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely.

***Response to Arguments***

**58.** Applicant's arguments filed 5-19-2008 have been fully considered but they are not persuasive. Harkham in '866 integrates casino and non-casino gaming (Figs. 1 & 2, Abst., 2:34-3:3, 3:21-30). The gaming machine is, for example, the casino-based slot machine of '866 Pages 14 & 15. The computing device is, for example, the home video game device of '866, 4:12-24. There is no non-obvious nexus or interaction between the cited limitations. They are merely a set of limitations typically found in a networked casino gaming system. There is for example, no interaction between the remote financial server and the enhanced audiovisual content which is downloaded to the computing device. '846 shows some suggestion for interplay as the remote preference server of '846 keeps track of the player's account and customizes the gaming machine according to the player's preferences, but no such interaction between these limitations is found in the invention as claimed. The invention is obvious for at least this reason. '866 and '378 are both highly analogous references. They both allow the player to log in to play gaming machines remotely. '866 allows the player to log in to the server to play the simulated slot game as outlined on Pages 14 and 15. Pages 8 to 10 of '866 have another game in which the player can log in to the casino server and play at a table card game in which some of the players are actually at the card table and other players are playing remotely in the same game; there can also be all of the players remote with them represented by avatars in a virtual table card game. '378 analogously allows players to play their own game on the local gaming device and either watch their friends play games over the network or even play against them over the network. The

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player's local machine is logged in to his or her friends' machines for this cooperative game play. Both references analogously have chat features that allow the players to interact during game play. Regarded '866 9:18 referred to by the examiner, the sentence clearly mentions cards being dealt, which is a random event. The fact that the sentence refers to sounds of the cards being dealt is irrelevant. Obviously, the card game of '866 will have a random event of cards being dealt, and the slot games of '866 and '378 have random slot reel motions. '866 provides an award to the player for a winning outcome of the random event for a first wagering game (Page 19, Lines 1 to 10). Harkham does in fact disclose first and second wagering games, namely the main embodiments of slots and cards. The claim language does not state that they are played one at a time, sequentially, or simultaneously by parallel displays on the gaming device as in '378. The claims do not outline any kind of a transition from a first wagering game to a second wagering game such as a bonus game in the event of a bonus triggering event in a base game. The claim language does not distinguish above '866 in this regard. The examiner respectfully disagrees with the applicant as to the claims' condition for allowance.

### ***Conclusion***

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

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60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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